(b) if so, the details thereof; and

(c) the steps taken or being taken to adopt and implement the same?

THE MINISTER OF LAW AND JUSTICE (SHRI ARUN JAITLEY): (a) to (c) The Government is committed to setting up of a National Judicial Commission, which would make recommendations for appointments of Judges/Chief Justice of the Supreme Court and the High Courts as also draw up a Code of Ethics for the Judges.

As part of the process of building up the national consensus to set up the National Judicial Commission, Political parties have been requested to communicate their views in this regard. Setting up of the Commission would involve an amendment to the Constitution of India.

Byrd amendment

*166. SHRI RAJKUMAR DHOOT: Will the Minister of COMMERCE AND INDUSTRY be pleased to state:

(a) whether it is a fact that WTO has upheld the plea of India and 10 other countries that US Continued Dumping and Subsidy Offset Act, 2000 (Byrd Amendment) is inconsistent with WTO agreements on anti-dumping and subsidies and is in violation of global trade rules;

(b) if so, its impact on Indian trade;

(c) whether India would get any compensation from the US Government or companies for the past cases covered under the Act; and

(d) if so, the details thereof?

THE MINISTER OF COMMERCE AND INDUSTRY (SHRI ARUN JAITLEY): (a) to (d) India, along with eight other co-complainants, including European Communities and Japan, had raised a dispute at the World Trade Organization (WTO) against the "Continued Dumping and Subsidy Offset Act (CDSOA)" of the United States, popularly called the Byrd Amendment, which permitted the US authorities to distribute on an annual basis duties assessed pursuant to countervailing duty/anti-dumping duty order to the affected domestic producers. Subsequently

Canada and Mexico initiated separate disputes on the same subject. A common Dispute Settlement Panel was then established for all the disputes by the Dispute Settlement Body (DSB) of the WTO.

The WTO Dispute Settlement panel held that the CDSOA violated obligations under the Anti-Dumping Agreement, the Subsidies Agreement and General Agreement on Tariffs and Trade 1994 (GATT 1994). Subsequently the US appealed certain findings and legal interpretations developed by the Panel in this dispute. The Appellate Body, while reversing certain findings of the Panel, has *inter-alia* upheld the overall determination of the Panel that the CDSOA constitutes non-permissible specific action against dumping or a subsidy and violates obligations under the Subsidies and Anti-Dumping Agreements.

The Rulings and Recommendations of the Panel and the Appellate Body in this dispute were adopted by the DSB during its meeting held on 27th Januar, 2003 following which US is required to bring its measures into conformity with obligations under the Anti-Dumping Agreement, the Subsidies Agreement and GATT 1994. In accordance with the provisions of the Understanding on Rules and Procedures Governing the Settlement of Disputes (DSU), US would have a reasonable period of time for this purpose.

It may not be easy to make a precise assessment of the impact of the outcome of this dispute on India's trade. It should however be welcome that the US companies would not get added protection that the CDSOA sought to give them than what they were entitled to from the Anti-dumping and Subsidies Agreements of the WTO.

Remedies in trade disputes under the Dispute Settlement Mechanism of the WTO are generally prospective in nature. In any case it may not be possible for Indian companies to get compensation from the US Government even if the CDSOA is repealed since that would only mean that the anti-dumping or countervailing duty revenues would accrue to the US Department of Treasury, as in the past, than be distributed among the affected domestic producers.